

REMARKS

The Office has rejected claims 1-56 at paragraph 2 of the Office Action, under 35 U.S.C. §101, as being directed to non-statutory subject matter. Applicant respectfully traverses the rejections..

Claim 1 has been amended to a system for use in electronically transferring a file, the system comprising: a graphical user interface (GUI). Support for this claim amendment may be found at least in Fig. 1 and in paragraph [0004] of Applicant's application. Claim 1 thus claims a machine that has a physical object. In this regard, the physical object is a graphical user interface (GUI) that can be viewed by a user and has a user-selectable button that can be selected by the user. The system of claim 1 is for use in electronically transferring a file. Applicant thus submits that claim 1 does not suffer from any deficiency under 35 U.S.C. §101. Further, all claims depending from claim 1 that were rejected under 35 U.S.C. §101 (claims 2-26) likewise do not suffer from any 35 U.S.C. §101 deficiencies as they call for a machine directed to statutory subject matter.

Claim 27 has been amended to a system for use in electronically transferring a file, the system comprising: a graphical user interface (GUI). Support for this claim amendment may be found at least in Fig. 1 and in paragraph [0004] of Applicant's application. Claim 27 thus claims a machine that has a physical object. In this regard, the physical object is a graphical user interface (GUI) that can be viewed by a user and has first and second user-selectable buttons that can be selected by the user. The system of claim 27 is for use in electronically transferring a file, and has a second user-selectable button to initiate attaching one or more files found using the file browser for subsequent electronic transfer. Applicant thus submits that claim 27 does not suffer from any deficiency under 35 U.S.C. §101.

Claim 28 has been amended to a method of electronically transferring a file. Support for this claim amendment may be found at least in Fig. 1 and in paragraph [0004] of Applicant's application. Claim 1 thus claims a method having a practical application in the technological arts. In this regard, the method is for use in electronically transferring a file, such as through e-

mail. One step of the method calls for uploading the file for subsequent electronic transfer. Applicant thus submits that claim 28 does not suffer from any deficiency under 35 U.S.C. §101. Further, all claims depending from claim 28 that were rejected under 35 U.S.C. §101 (claims 29-55) likewise do not suffer from any 35 U.S.C. §101 deficiencies as they call for a method directed to statutory subject matter.

Claim 56 has been amended to a computer readable media having computer executable instructions that, when executed by a computer perform a method of interfacing with a user in order to achieve selection of a file for electronic transfer. Support for this claim amendment may be found at least in Fig. 1 and in paragraphs [0004] and [0015] of Applicant's application. Claim 56 thus calls for functional descriptive material that is recorded on a computer readable media that is structurally and functionally interrelated to the media and is therefore statutory. Applicant thus submits that claim 56 does not suffer from any deficiency under 35 U.S.C. §101.

The Office has rejected claims 1-54, and 56 on page 2 of the Office Action, under 35 U.S.C. § 102, as being anticipated by United States Patent Application Publication No. US 2003/0132967 A1 (Gangadharan). Applicant respectfully traverses the rejections.

None of the cited references, including Gangadharan, disclose or suggest the specific combination of claim 1. For example, Gangadharan does not disclose a system wherein in response to selection of said first user-selectable button a file is capable of being selected by a user without display of a user-selectable button having associated text that includes the word "browse", as recited in claim 1. Support for amendment of claim 1 may be found in at least paragraphs [0007] and [00008] of Applicant's application.

Gangadharan discloses a process to transfer a file from a web enabled device to a web server. See Gangadharan at paragraph [0030]. The process includes clicking on an add/edit attachment button 308. See Gangadharan at paragraph [0032]. After clicking on the add/edit attachment button 308 the screen in Fig. 3B of Gangadharan is displayed. See Gangadharan at paragraph [0033]. In order to attach a file, the browse button 310 is clicked which then causes the file selection dialog box shown in Fig. 3C of Gangadharan to be displayed. See Gangadharan

at paragraph [0034]. The browse button 310 includes the word "browse." See Fig. 3B of Gangadharan. Next, the user navigates the file system in order to find and select a file to be attached to an email. See Gangadharan at paragraph [0035].

In contrast to claim 1, Gangadharan does not disclose a system wherein in response to selection of said first user-selectable button a file is capable of being selected by a user without display of a user-selectable button having associated text that includes the word "browse" as recited in claim 1. As discussed, Gangadharan performs an opposite process by displaying a button 310 that includes the word "browse" before the user is able to select a file. See Gangadharan at paragraphs [0032] – [0035]. Hence, claim 1 is allowable.

Claims 2-26 depend from claim 1, which Applicant has shown to be allowable. Hence, Gangadharan fails to disclose at least one element of each of claims 2-26. Accordingly, claims 2-26 are also allowable, at least by virtue of their dependence from claim 1.

None of the cited references, including Gangadharan, disclose or suggest the specific combination of claim 27. For example, Gangadharan does not disclose a GUI with a first user-selectable button having associated text therein that includes "Find File to Attach", the first user-selectable button to initiate a file browser of an operating system, as recited in claim 27. Further, Gangadharan does not disclose a second user-selectable button having associated text therein that includes "Attach Files", as recited in claim 27.

In contrast to claim 27, Gangadharan does not disclose a GUI with a first user-selectable button having associated text therein that includes "Find File to Attach", the first user-selectable button to initiate a file browser of an operating system as recited in claim 27. As discussed Gangadharan includes a button 308 that instead has text that includes "add/edit attachments". See Gangadharan at paragraph [0032]. Additionally, selection of the "add/edit attachments" button 308 does not initiate a file browser of an operating system, but instead displays the diagram shown in Fig. 3B on the web browser. See Gangadharan at paragraph [0033]. Hence, claim 27 is allowable.

None of the cited references, including Gangadharan, disclose or suggest the specific combination of claim 28. For example, Gangadharan does not disclose a method with the step of in response to receiving a user selection of the first user-selectable button, initiating a graphical user interface (GUI) element to find at least one file to attach to a message, as recited in claim 28.

In contrast to claim 28, Gangadharan does not disclose a method in response to receiving a user selection of the first user-selectable button, of initiating a graphical user interface (GUI) element to find at least one file to attach to a message, as recited in claim 28. As discussed, Gangadharan includes a process in which clicking the "add/edit attachments" button 308 initiates the display screen in Fig. 3B which subsequently requires the user to click on a "browse" button 310 in order to then initiate the file selection dialog box of Fig. 3C. See Gangadharan at paragraphs [0032] - [0035]. The display screen of Fig. 3B does not find a file as in claim 28. Hence, claim 28 is allowable.

Claims 29-55 depend from claim 28, which Applicant has shown to be allowable. Hence, Gangadharan fails to disclose at least one element of each of claims 29-55. Accordingly, claims 29-55 are also allowable, at least by virtue of their dependence from claim 28.

None of the cited references, including Gangadharan, disclose or suggest the specific combination of claim 56. For example, Gangadharan does not disclose a computer readable media with a plurality of instructions that include in response to receiving a user selection of the first user-selectable button, initiating a graphical user interface (GUI) element to find at least one file to attach to a message, as recited in claim 56.

In contrast to claim 56, Gangadharan does not disclose a computer readable media with a plurality of instructions that include in response to receiving a user selection of the first user-selectable button, initiating a graphical user interface (GUI) element to find at least one file to attach to a message as recited in claim 56. As discussed, Gangadharan includes a process in which clicking the "add/edit attachments" button 308 initiates the display screen in Fig. 3B which subsequently requires the user to click on the "browse" button 310 in order to then initiate

the file selection dialog box of Fig. 3C. See Gangadharan at paragraphs [0032] - [0035]. Hence, claim 56 is allowable.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

3-23-2007
Date


Jeffrey G. Toler, Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER, L.L.P.
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)